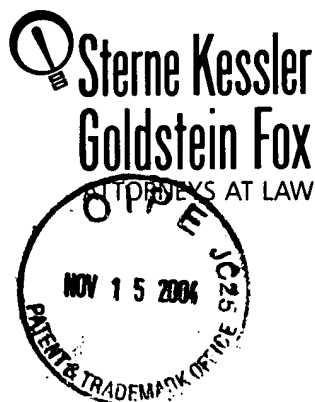


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November 15, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/607,541; Filed: June 27, 2003
For: **Cushioning Sole for an Article of Footwear**
Inventors: **MARVIN et al.**
Our Ref: 2073.0080000/DKSC/RPG

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Requirement For Election of Species; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Rae Lynn P. Guest
Attorney for Applicants
Registration No. 53,482

DKSC/RPG/dbj
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marvin *et al.*

Appl. No.: 10/607,541

Filed: June 27, 2003

For: **Cushioning Sole for an Article of Footwear**

Confirmation No.: 6135

Art Unit: 3728

Examiner: Kavanaugh, John T.

Atty. Docket: 2073.0080000/DKSC/RPG

Reply to Requirement For Election of Species

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 28, 2004, Applicants hereby provisionally elect Species IV and subspecies 5 (Figure 13). Claims 1-12, 14-15, 21, 24-30, 32-35 read on the elected species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. This election is made without traverse.

Claims 1-9, 11-12, 14-15, and 28-29 are generic to all species and subspecies identified by the Examiner. Thus, Applicants respectfully request reconsideration of unelected claims 13, 16-20, 22-23 and 31 upon allowance of one or more of these generic claims under 37 C.F.R. § 1.141. Further, claims, 1-12, 14-15, 21, 28-30, 32-35 are generic to all of subspecies 1-6 identified by the Examiner. Thus, Applicants respectfully request reconsideration of unelected claims 22, 23 upon allowance of a claim generic to more than just the elected subspecies under 37 C.F.R. § 1.141.

Reconsideration and withdrawal of the Requirement for Election of Species, and consideration and allowance of all pending claims, are respectfully requested.

Marvin *et al.*
Appl. No. 10/607,541

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Rae Lynn P. Guest
Attorney for Applicants
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Date: 11/15/04

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